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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,990	12/22/1998	PEDRO S. BARANDA	OT-4355	2377

26584 7590 03/26/2002

OTIS ELEVATOR COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
10 FARM SPRINGS
FARMINGTON, CT 06032

EXAMINER

TRAN, THUY VAN

ART UNIT	PAPER NUMBER
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3652

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DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/218,990

Applicant(s)
Baranda et al.

Examiner
Thuy V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 15, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-50 is/are pending in the application.
- 4a) Of the above, claim(s) 16, 17, 19, and 24-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, 18, 20-23, and 45-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. In order to make the record clear, the claims status is summarized as follow:

Claims 1-3 and 5-50 are pending.

Claims 1-3, 5-15, 18, 20-23, and 45-50 are rejected.

Claims 16, 17, 19, and 24-44 are withdrawn due to non-elected species and invention (see paper Nos. 10, 11, 13 and 15).

Oath/Declaration

It does not state that the person making the oath or declaration in a continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

It appears in the specification that Applicants intend to claim this present applicant as a continuation-in-part of a copending application number 09/031,108. However, this statement is lacked in the declaration filed on May 28, 1999.

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Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 5-15, 18, 20, 23 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruyneel et al. 5,461,850.

Bruyneel et al. '850 disclose a tension member comprising a plurality of discrete cords 10, Figure 9, arranged side-by-side and in spaced relation to each other, each cords is constructed from a plurality of individual wires having diameter ranges from 0.15 mm to 1.20 mm, each cords further comprises six outer strands twisted around a center strand. The center strand comprises six wires twisted around a center wire in a first direction, the outer strands each comprises several wires twisted around one center wire in a second direction, and the outer strands are twisted around the center strand in the first direction. Each of the center wire of each strand is larger in diameter than all wires twisted there around and the center wire of the center strand is larger in diameter than the center wire of each outer strands. An elastomer coating layer substantially envelopes the cords and has an aspect ratio (width/thickness) of greater than two.

Bruyneel et al. '850 disclose all the claimed limitations except for explicitly having all the wires of less than 0.20 mm in diameter. Having all the wires diameters of less than 0.20 mm would have been an obvious choice of wire diameters based upon the application and design preferences of the constructor. In other words, when the prior art shows that the cords of a cable are constructed from a plurality of wires having diameters ranges from 0.15 mm to 1.20 mm, it

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would have been obvious to one having ordinary skill in the art to have employed any wires diameters within the disclosed range for constructing the cable.

4. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruyneel et al. 5,461,850 as applied to claim 20 above, and further in view of Schuerch 4,534,163.

Bruyneel et al. '850 disclose all the claimed limitations except for having the coating layer formed from thermoplastic urethane. Bruyneel et al. '850 reference suggests in column 4, lines 13-14 that the kind of rubber to be used depends on the eventual application.

Schuerch '163 discloses a rope having a coating layer 19 formed from thermoplastic urethane for abrasion-resistance and moisture-barrier purposes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed thermoplastic urethane as the coating layer for the tension member of Bruyneel et al. in order to provide abrasion-resistance and moisture-barrier.

With regard to claim 22, the thermoplastic urethane coating layer of the modified tension member of Bruyneel et al would inherently is transparent since urethane itself is a white, crystalline compound.

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Response to Arguments

5. Applicant's arguments filed January 15, 2002 have been fully considered but they are not persuasive.

Applicants argue that there is no disclosure or suggestion within the Bruyneel et al. reference of a tension member formed from cords having all wires with a diameter less than 0.25 mm. Bruyneel et al disclose in column 3, lines 47-48 that the diameter of steel filaments ranges from 0.15 to 1.20 mm. Therefore, having all the wires with a diameter less than 0.25 mm would fall in the suggested range by Bruyneel.

With regard to the recitation "wherein said elastomer is a thermoplastic urethane" of claim 21, the rejection was based on Bruyneel et al. '850 in view of Schuerch '163 as stated in paragraph 4 above which was pointed out by the Applicant in paper No. 20.

The limitations of claims 45 and 46 were treated in paragraph No. 7 of the previous Office paper No. 19.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.


DEAN J. KRAMER
PRIMARY EXAMINER

TVT (GUT)

March 19, 2002